

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1115

IN THE MATTER OF:

Served January 4, 1971

Application of WMA Transit)	Application No. 670
Company for Temporary Author-)	
ity to Operate Route X Between)	
Laurel, Maryland, and Washington,)	
D. C.)	

Application of WMA Transit)	Application No. 671
Company for Permanent Authority)	
to Operate Route X)	Docket No. 226

In Application No. 670, filed on December 17, 1970, WMA Transit Company (WMA) requested temporary authority to operate Route X, rush hour express service, from Laurel, Maryland, to Farragut Square in Washington, D. C. over the following route:

From Laurel to Farragut Square

Commencing at Cherry Lane and U. S. Highway Route 1 (Laurel Shopping Center), thence via U. S. Highway Route 1, Maryland State Route 198, Irving Street, Maryland State Route 197 (Bowie-Laurel Road), Briar-croft Lane, Briarwood Road, Contee Road, Maryland State Route 197, cut-off to southbound Baltimore-Washington Parkway, Baltimore-Washington Parkway, Kenilworth Avenue, cut-off to East Capitol Street, East Capitol Street Bridge, C Street, N. E.; North Carolina Avenue, N. E.; Constitution Avenue, N. E.; 3rd Street, N. W.; C Street, S. W.; 6th Street, S. W.; D Street, S. W.; thru S. W. Bus Terminal, D Street, S. W.; 12th Street, S. W.; Independence Avenue, S. W.; 14th Street, S. W.; H Street, N. W.; Connecticut Avenue, N. W., to Terminal Stand south of Farragut Square.

From Farragut Square to Laurel

Commencing at Terminal Stand on Connecticut Avenue south of Farragut Square, thence via Eye Street, N. W.; 14th Street, N. W.; Independence Avenue, S. W.; 12th Street, S. W.; D Street, S. W.; thru S. W. Bus Terminal, D Street, S. W.; 6th Street, S. W.; C Street, S. W.; 4th Street, S. W.; Independence Avenue, S. W.; Pennsylvania Avenue, S. E.; Independence Avenue, S. E.; East Capitol Street Bridge, cut-off to northbound Kenilworth Avenue, Kenilworth Avenue, Baltimore-Washington Parkway, cut-off to Maryland State Route 197, Maryland State Route 197, Contee Road, Briarwood Road, Briarcroft Lane, Maryland State Route 197, Irving Street, Maryland State Route 198, U. S. Highway Route 1 to Cherry Lane (Laurel Shopping Center).

At the same time it filed its application for temporary authority, WMA filed Application No. 671 seeking authority to operate the same service on a permanent basis.

In Order No. 1044 issued May 27, 1970, we granted a temporary authorization for WMA to operate the X-1 express service from Laurel to Washington, for a period of 180 days. The proposed Route X would provide substantially the same service between Laurel and Farragut Square as was provided by the X-1. Article XII, Section 4(d)(3) of the Compact limits the period for which a service may be operated under a temporary authorization to 180 days. Therefore, there is some doubt that we are empowered to issue further temporary authorization to operate the Laurel to Farragut Square service. However, we feel that there are other substantial reasons for refusing to grant the temporary authority requested and we will not at this time address the question of whether we have the legal authority to authorize the Route X to be operated on a temporary basis beyond the 180-day period that the Route X-1 was operated.

Under Section 4 (d)(3) of the Compact, a grant of temporary authority must be based on a finding that there is an urgent and immediate need for the service authorized. It is incumbent upon the applicant to provide a convincing basis upon which that finding can be made. In Order No. 1044, we found that there had been a substantial showing that the public wanted the service. There had been no service on the route involved before the hearing in March 1970, when Greyhound instituted rush hour service. Without information gained by actual experience, our finding of need was necessarily based on what people who appeared to testify said they wanted. But we said in issuing Order No. 1044 that the temporary authorization would permit the development of actual data to assist in making a more informed judgment as to need for the service. We anticipated that in December 1970 the company should be able to make a much more definitive showing of need than was possible in March of 1970. Yet in its application for temporary authority to operate the Route X, WMA has not provided us with any very clear picture of the patronage results it obtained with Route X-1. Indeed, in this application and other recent filings with us relating to this service, there are what appear to be conflicting statements by WMA as to the patronage of the service and when the operation could be expected to be a self-sustaining one. Thus, we are simply not, on the basis of the record the company has placed before us, prepared to find that there is an immediate and urgent need for Route X. This is particularly so in view of the fact that at least one other carrier provides a commuter bus service from Laurel to Washington. While we make no finding that the other service is comparable, it does provide a means of public transportation by which those who would use the WMA service can commute to and from Washington pending the disposition of the WMA application for permanent authority to operate the Route X service.

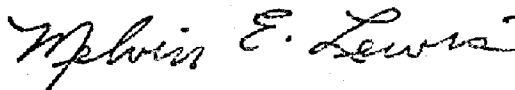
THEREFORE, IT IS ORDERED:

1. That Application No. 670 filed on December 17, 1970, by WMA Transit Company to operate Route X from Laurel to Farragut Square on a temporary basis be, and it is hereby, denied.

2. That a public hearing to consider Application No. 671, filed by WMA Transit Company on December 17, 1970, to operate Route X on a permanent basis, be held in the hearing room of the Commission at 1625 Eye Street, N. W., Washington, D. C., commencing at 10:00 A.M. on February 3, 1971.

3. That WMA Transit Company place notice of the time and place of the hearing in a newspaper of general circulation in the Washington Metropolitan area, and in a newspaper local to the Laurel area, at least once in each paper, at least 25 days prior to the hearing.

BY DIRECTION OF THE COMMISSION:



MELVIN E. LEWIS
Executive Director